

Attorney Docket No. P11904

REMARKS/ARGUMENTS**1.) Status of Claims**

Claims 2-4, 6, 8, 9, 12, 13, and 15-34 are pending in the application.

2.) Claim Rejections – 35 U.S.C. § 102(b)

The Examiner rejected claims 2-4, 6, 8, 9, 12, 13 and 15-34 under 35 U.S.C. § 102(b) as being anticipated by Nokia (WO 96/36146). The Applicants respectfully disagree. The Examiner's consideration of the pending claims is respectfully requested in view of the following remarks.

Regarding claims 9, 15, 17, 20, 22-25, 28, 29, and 33, the Examiner cites Nokia page 5, lines 17-33 and page 2, lines 7-30 for disclosing the claimed limitations. For example, the Examiner states on page 2 of the Office Action, "If the receiver cannot decode a segment of the transmission, a segmentation indicator (frame number) is transmitted to the transmitter (page 2, lines 7-30)." The Applicants note, however, that Nokia does not teach the use of a "segmentation indicator". Instead, Nokia uses a "frame number", which identifies the frames that are to be retransmitted, but does not indicate the mode in which they should be retransmitted, or whether the blocks of data should be resegmented prior to retransmission.

The Examiner also states on page 3 of the Office Action, "The received data is stored in the receiver to allow the data to be decoded." The Examiner does not cite a page/line in Nokia to support this statement. The Applicants have reviewed Nokia in its entirety, and are unable to find any disclosure in Nokia of a memory in the receiver for storing received data for use in decoding.

Nokia (Link Adaptation) Versus Claimed Invention

Nokia discloses standard link adaptation with a fixed nominal rate, which is discussed as prior art in the background section of the present application. The claimed invention differs from Nokia in at least the following areas:

(1) In the claimed invention, the transmitters and receivers operate in two modes, incremental redundancy (IR) mode and non-IR mode. Nokia does not teach or

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suggest the use of IR, and does not identify whether the Nokia system operates in IR or non-IR mode.

(2) In the claimed invention, the receiver determines whether it has enough resources to operate in the IR mode. This feature does not exist in Nokia, which does not discuss IR or non-IR, and does not teach or suggest a receiver that monitors its resources and sends retransmission requests that identify modes that the receiver's resources can support.

(3) In the claimed invention, the receiver sends a message to the transmitter that includes a segmentation indicator or a retransmission indicator, notifying the transmitter of the preferred mode for retransmission. Nokia discloses only the sending of a negative acknowledgment indicating that a block should be retransmitted. Nokia does not indicate which mode should be used, and certainly does not indicate whether IR or non-IR should be used because, as noted above, Nokia does not disclose anything about IR, and does not identify whether the Nokia system operates in IR or non-IR.

All of the independent claims of the application (claims 9, 15, 17, 20, 22, 28, and 33) include language reciting one or more of the above differences. Therefore, the withdrawal of the rejection under § 102, and the allowance of claims 9, 15, 17, 20, 22, 28, and 33 are respectfully requested.

Claims 2-4, 6, 8, 12, 13, 16, 18, 19, 21, 23-27, 29-32, and 34 are dependent claims that recite additional limitations in combination with the novel elements of the independent claims. Therefore, the withdrawal of the rejection under § 102, and the allowance of claims 2-4, 6, 8, 12, 13, 16, 18, 19, 21, 23-27, 29-32, and 34 are respectfully requested.

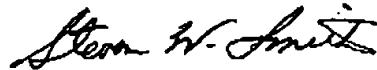
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CONCLUSION

In view of the foregoing remarks, the Applicants believe all of the claims currently pending in the Application to be in a condition for allowance. The Applicants, therefore, respectfully request that the Examiner withdraw all rejections and issue a Notice of Allowance for claims 2-4, 6, 8, 9, 12, 13, and 15-34.

The Applicants request a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,



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